

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLDCOM, INC. SECURITIES :
LITIGATION :
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02 Civ. 3288 (DLC)

ORDER

DENISE COTE, District Judge:

This Order addresses an objection raised by E. Bruce Barber and Louise J. Barber to the rejection of their claim in the WorldCom Securities Litigation. A request for exclusion dated July 23, 2004 was received by the Garden City Group ("GCG"), the Administrator for the plaintiff class in the WorldCom Securities Litigation, on behalf of E. Bruce Barber and Louise J. Barber and was submitted. The signature on the request for exclusion is illegible, but is followed by the phrase "attorney of record." The request arrived in an envelope from the Law Offices of Sandor L. Grossman, Ltd, and is postmarked August 18, 2004. When GCG advised the Barbers of the reason for the decision to reject their claim, it explained that while a proof of claim had been filed in February 2005, "a valid request for exclusion was submitted by the law offices of Sandra L. Grossman in July 2004." The Barbers objected on May 1, 2009, protesting that "a valid request for exclusion was never submitted" for them. They add that they never signed any claim for exclusion and represent that they "have never heard of Sandra L. Grossman,

Esq." GCG incorrectly referred to Sandor Grossman as "Sandra" Grossman in explaining the reasons for rejecting the Barbers' claim. An Order dated July 28, 2009 required Lead Counsel to file a report by September 11, 2009 addressing whether the Barbers had permitted Sandor Grossman to file a request for exclusion on their behalf. The Barbers were permitted to respond to Lead Plaintiff's report by September 25, 2009.

Lead Plaintiff's report represents that Sandor Grossman attempted to settle the Barbers' claim with Salomon Smith Barney, and that he claims that the Barbers orally authorized his office to submit the request for exclusion on their behalf. Lead Plaintiff also reports that the Barbers maintain that they do not recall authorizing anyone to exclude them from the class. Sandor Grossman's files have been lost as the result of a computer server failure, although he has recovered three relevant documents that he submitted to Lead Plaintiff. A letter dated November 11, 2004 refers to a statement that the Barbers sent to him "a couple of months ago," discusses an arbitration agreement, and attaches his fee agreement. A letter dated March 17, 2005 indicates that in August 2004, the Barbers sent Sandor Grossman records of their WorldCom losses. He explains that he can secure a settlement of about \$7,000 for them.

In their September 22, 2009 submission to the Court, the Barbers explain that their memories are not as good as they once were, given their age and the passage of time. They do not contend, however, that they "never heard of" Sandor Grossman. Indeed, their objection to the rejection of their claim now rests on the assertion that they did not consent to anyone requesting their exclusion from the class.

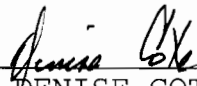
Based on this sparse record, it appears that in or before August 2004, the Barbers requested that Sandor Grossman seek a recovery from Salomon Smith Barney by filing a claim in arbitration on their behalf, that they sent him records of their trading activity in WorldCom securities to assist in this endeavor, and that Sandor Grossman filed a timely request for exclusion from the class on their behalf to preserve their right to proceed with the arbitration claim. Accordingly, it is hereby

ORDERED that the objection raised by E. Bruce Barber and Louise J. Barber to the rejection of their claim is denied.

IT IS FURTHER ORDERED that GCG shall serve a copy of this Order on the Barbers.

SO ORDERED:

Dated: New York, New York
September 30, 2009



DENISE COTE
United States District Judge

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